

## 65 - INDEPENDENT AGENCIES - REGULATORY

### 407 - PUBLIC UTILITIES COMMISSION

#### CHAPTER 306 - UNIFORM INFORMATION DISCLOSURE AND INFORMATIONAL FILING REQUIREMENTS

**SUMMARY:** This Chapter contains requirements for competitive electricity providers to disclose price, contract, resource mix, and emissions information to customers in a uniform format. The Chapter also contains requirements for informational filings by competitive providers.

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**§ 1 DEFINITIONS**

A. Aggregate. "Aggregate" means to organize individual electricity consumers into a group or entity for the purpose of purchasing electricity on a group basis.

B. Aggregator. "Aggregator" means an entity that gathers individual customers together for the purpose of purchasing electricity, provided such entity is not engaged in the purchase or resale of electricity directly with a competitive electricity provider, and provided further that such customers contract for electricity directly with a competitive electricity provider.

C. Broker. "Broker" means an entity that acts as an agent or intermediary in the sale and purchase of electricity but that does not take title to electricity, provided such entity is not engaged in the purchase or resale of electricity directly with a competitive electricity provider, and provided further that such customers contract for electricity directly with a competitive electricity provider.

D. Commission. "Commission" means the Maine Public Utilities Commission.

E. Competitive Electricity Provider. "Competitive electricity provider" means a marketer, broker, aggregator, and any entity selling electricity to the public at retail.

F. Customer. "Customer" means any person who has applied for, been accepted or is receiving generation service from a competitive electricity provider for retail use. This term includes an applicant to a competitive electricity provider when the context so indicates.

G. Generation Service. "Generation service" means the provision of electric power to a retail customer through a transmission and distribution utility but does not encompass any activity related to the transmission or distribution of that power.

H. GIS. "GIS" means the NEPOOL Generation Information System or successor system.

I. GIS Certificates. "GIS certificates" mean certificates created pursuant to the NEPOOL Generation Information System that represent attributes of electric power and that may be traded separately from the energy commodity.

JH. ISO-NE. "ISO-NE" means the Independent System Operator of the New England bulk power system or successor organization

K. ISO-NE Control Area. "ISO-NE control area" means the area in which the ISO-NE operates the New England bulk power system.

**LI.** Maritimes Control Area. "Maritimes control area" means the area in which the New Brunswick Power Corporation operates the Maritimes bulk power system.

~~**J.** Marketer. "Marketer" means an entity that as an intermediary purchases electricity and takes title to electricity for sale to retail customers.~~

~~**K.** Northern Maine. "Northern Maine" means the area of Maine that is located within the Maritimes control area.~~

**M.** Residential and Small Commercial Customers. "Residential and small commercial customers" means customers subject to the consumer protection provisions in Chapter 305, section 4 of the Commission's rules.

**NL.** Standard Offer Provider. "Standard Offer Provider" means a provider of standard offer service chosen pursuant to Chapter 301 of the Commission's rules.

**OM.** Transmission and distribution utility. "Transmission and distribution utility" means a person, its lessees, trustees, receivers or trustees appointed by a court, owning, controlling, operating or managing a transmission and distribution plant for compensation within the State.

## **§ 2 UNIFORM INFORMATION DISCLOSURE REQUIREMENTS**

A. Purpose and Scope

1. Purpose. The purpose of this section is to ensure that customers are presented with consistent, accurate, and meaningful information by which to evaluate services offered by competitive electricity providers.

2. Scope. This section applies to competitive electricity providers, including standard offer providers, as specified in this section, except that this section does not apply to aggregators and brokers.

~~3. Applicability. This section applies only to generation service to residential and small commercial consumers. For purposes of this provision, residential and small commercial consumers are consumers subject to the customer protection provisions in Chapter 305, section 4 of the Commission's rules. Upon request by customers that are not residential or small commercial consumers, competitive electricity providers shall provide information comparable to that required pursuant to this section.~~

B. Information Disclosure Label

1. General. Each competitive electricity provider shall prepare information on a label for each price or product offering in a form that is consistent for all competitive electricity providers. The label shall present information in accordance with

this subsection, and shall conform to all applicable state rules and regulations. The label shall be distributed in accordance with section 2(E).

2. Price Information to be Charged and Price Variability. The label shall display ~~present the generally available prices for of generation service as an average unit price in cents per kilowatt-hour as measured at the customer meter over the course of an annualized period, regardless of actual price structure.~~ This unit price shall be the price for generation services only, and shall not include charges associated with transmission and distribution service, other Commission regulated services, ~~or other non-generation products or services or cash or non-cash sales inducements except as provided below.~~ ~~The label shall contain the following information on average price and price variability.~~ The label may display average prices that are as representative as practicable for the applicable group of customers if actual prices cannot readily be displayed. If representative average prices are displayed, the label shall explain that the customer's average prices will deviate from the displayed prices depending on the customer's electricity usage patterns and provide a reference to a website that contains the actual prices. Representative average prices may only be used upon prior approval of the Commission's Director of Technical Analysis. In the event that generally available prices are not offered, the label shall state that price quotes will be provided upon request.

a. Average price information.



~~\_\_\_\_\_ (i) Average prices shall be shown for four levels of use.~~

~~The average price for each usage level shall be the total charge for generation service for the specified usage level, divided by the kilowatt-hours for the particular usage level.~~

~~Average prices shall be rounded to the nearest one tenth of a cent per kilowatt-hour.~~

~~Average prices for residential consumers shall be shown for usage levels of 250, 500, 1000 and 2000 kilowatt-hours per month. Average prices for commercial consumers shall be shown for 1,000, 10,000, 20,000 and 40,000 kilowatt-hours per month.~~

~~\_\_\_\_\_ (ii) Average prices for time-of-use and seasonal prices shall be based on a single, generic New England load profile for residential customers and on a single, generic New England load profile for commercial customers, as approved by the Commission.~~

~~\_\_\_\_\_ (iii) Average prices for service based on spot or other variable prices shall be shown based on the average prices that would have been charged in the prior month.~~

~~\_\_\_\_\_ (iv) Competitive electricity providers that offer generation service in which electricity is bundled with any other product or service may display the charge for generation service either as:~~

~~\_\_\_\_\_ (aa) the average price for which the customer can purchase unbundled generation service from the competitive electricity provider; or~~

~~\_\_\_\_\_ (bb) the average generation price, assuming the entire price of the bundled service is attributable to electricity. If this option is selected the label may include a statement in the same font as subheadings that identifies what is included in the average price; or~~

~~\_\_\_\_\_ (cc) after approval by the Commission, the average price of the electricity separated from the other bundled services.~~

~~\_\_\_\_\_ (v) Average prices shall not reflect any adjustment for cash or non-cash sales inducements.~~

~~\_\_\_\_\_ b. Price variability information. If prices vary by time of use or by volume, a subheading shall be printed below the average prices stating one or both of the following:~~

~~\_\_\_\_\_ (i) \_\_\_\_\_ If prices vary by time of use, including seasonal prices, the statement shall read “Your average electricity price will vary according to when you use electricity. See your Terms of Service for actual prices.”~~

~~\_\_\_\_\_ (ii) \_\_\_\_\_ If prices vary by volume of sales, including prices that have a fixed charge and a flat energy charge, the statement shall read “Your average generation price will vary according to how much electricity you use. See your Terms of Service for actual prices.”~~

3. Customer ~~Service~~ Information. The label shall contain a toll-free number of the competitive electricity provider for customer inquiries regarding the information displayed on the label ~~for customer service and complaints.~~

4. Resource Portfolio ~~Fuel and Emissions Characteristics~~. The label shall contain information on the fuel mix and emissions characteristics associated with the competitive electricity provider's resource portfolio.

a. Determining the resource portfolio. ~~For service within the ISO-NE control area, the resource portfolio of a competitive electricity provider shall be determined based on GIS certificates. For purposes of this provision, each competitive provider shall have a Maine GIS sub-account. For service within the Maritimes control area, the resource portfolio of a competitive electricity provider shall be determined using market settlement data or other relevant market data,~~

~~(i) Resource portfolio. The resource portfolio of a competitive electricity provider shall consist of the portfolio of generating resources used to meet its load obligations in New England. Such generating resources shall reflect Known Resources and System Power as specified below. The resource portfolio applicable to service in the ISO-NE control area shall be determined using market settlement data or equivalent data provided by the ISO-NE, and other relevant market data if applicable, that match generating resources of a provider to the load obligation of that provider no less frequently than on a 12-month basis. The resource portfolio applicable to service in northern Maine shall be determined using market settlement data or equivalent data provided by the entity responsible for financial settlements in the region, and other relevant market data if applicable, that match generating resources of a provider to the load obligation of that provider no less frequently than on a 12-month basis. Resource portfolio information shall be updated quarterly. For purposes of this section, a competitive electricity provider must combine resources used for service in the ISO-NE control area and the Maritimes control area into a single resource portfolio unless the provider disaggregates its resource portfolio pursuant to section 2(B)(4)(d). [Alternative: For purposes of this section, a competitive electricity provider that provides service in the ISO-NE control area and the Maritimes control area shall determine a separate resource portfolio for each control area.]~~

b. ~~(ii)~~ Label reporting period. The label reporting period shall be stated on the label. The label reporting period shall be the most recent

~~calendar~~ year for which the necessary information is available. ~~period for which the applicable information is available. If a competitive electricity provider has operated for less than a full year, but more than three months, the competitive electricity provider shall report the information that is available for the portion of the year the competitive electricity provider has operated. If a competitive electricity provider has operated for less than three months, the competitive electricity provider shall report a reasonable estimate of its resource portfolio based on the competitive electricity provider's known resources, and the average regional system mix. If a competitive electricity provider did not provide service in Maine for at least six months during the prior calendar year, the label reporting period shall be the actual period in the prior year and the period of service in the current year up to the end of the most recent calendar quarter.~~

c. Portfolio characteristics. For service within the ISO-NE control area, fuel mix and emission characteristics shall be determined based on GIS certificates. For service within the Maritimes control area, fuel mix and emission characteristics shall be those associated with generating units for unit specific entitlements or contracts and the system mix for system entitlements or contracts.

~~(iii) Known Resources. When the resource portfolio includes kilowatt-hours that are associated with specific generating units in which the competitive electricity provider holds unit entitlements or contracts that specify the associated generation units, such kilowatt-hours shall be deemed to derive from Known Resources. When a competitive electricity provider holds, or is assigned, and can verify a~~

~~contract for the output from a facility of one megawatt or less, which is not reflected in market settlement data from the ISO-NE or the entity responsible for financial settlements in northern Maine, the competitive electricity provider may include such resources in its resource portfolio. For the purpose of determining fuel mix and emissions characteristics, kilowatt-hours from Known Resources shall be ascribed the characteristics of the associated generating units.~~

~~—————(iv)——— System Power. For all kilowatt-hours that are not associated with Known Resources, such kilowatt-hours shall be deemed to derive from System Power. For the purpose of determining fuel mix and emissions characteristics, kilowatt-hours from System Power shall be ascribed the characteristics of the residual system mix. For the purpose of determining the label for customers in Maine located within the ISO-NE control area, the residual system mix shall be the mix of generating resources within the ISO-NE control area net of Known Resources. For the purpose of determining the label for customers in Maine located in northern Maine, the residual system mix shall be the mix of generating resources within the Maritimes control area net of Known Resources.~~

~~—————(v)——— Imports. Until adjacent regions develop compatible disclosure policies, a competitive electricity provider's total imports into the ISO-NE control area or the Maritimes control area to serve load in Maine shall be ascribed the fuel mix and emissions characteristics of the exporting system's mix. Imports from the ISO-NE control area to serve load in northern Maine shall be ascribed the characteristics of the ISO-NE residual system mix as defined in this paragraph.~~

d. ~~\_\_\_\_\_~~ (vi) Disaggregation of Resource Portfolio. A

competitive electricity provider may disaggregate its resource portfolio into segments or products and provide differentiated labels to particular customer groups. For service within the ISO-NE control area, a competitive electricity provider must verify the disaggregation through a separate GIS sub-account for the disaggregated segment or product. For service within the Maritimes control area, a competitive electricity provider shall be required to demonstrate to the Commission's satisfaction that its disaggregation is based on data that can be verified.

5. ~~\_\_\_\_\_~~ b. Fuel Mixsource characteristics. Each competitive electricity provider shall include on the label a list in alphabetical order of each fuel source in its resource portfolio and its corresponding percentage within the fuel mix. The following fuel sources shall be separately identified on the label if contained in the resource portfolio: biomass (includes landfill gas), coal, fossil fuel cogeneration, fuel cells, geothermal, hydro, municipal solid waste, natural gas, nuclear, oil, solar, tidal power, wind. The fuel mix shall be displayed in a format substantially similar to the sample label attached to this Chapter.

~~\_\_\_\_\_ (i) Each competitive electricity provider shall determine its resource portfolio in accordance with this paragraph and shall report on the label the fuel mix of said resource portfolio.~~

~~\_\_\_\_\_ (ii) At least the following fuel sources shall be separately identified on the label and listed in alphabetical order: biomass, coal, hydro, municipal solid waste, natural gas, nuclear, oil, solar, wind, and other renewable resources (including fuel cells utilizing renewable fuel sources, landfill gas, geothermal and ocean thermal). Fuel mix percentages shall be rounded to the nearest full percentage point.~~

~~\_\_\_\_\_ (iii) The fuel mix associated with an energy storage facility shall be the fuel mix of the energy used as input to the storage device. The characteristics disclosed shall include any losses as a result of storage.~~

6—c. Emissions Characteristics

~~\_\_\_\_\_ (i) Each competitive electricity provider shall identify its resource portfolio in accordance with this paragraph and shall report on the label the emission characteristics of said resource portfolio.~~



~~\_\_\_\_\_a. (ii)~~ For the purpose of emission characteristics disclosure, at least ~~the following emissions pollutants~~ shall be separately identified on the label: carbon dioxide (CO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>). The Commission may determine by Order that ~~, in consultation with the Maine Department of Environmental Protection, whether~~ additional emissions pollutants should be included on the label disclosed.

~~b. (iii)~~ Emissions for each emission category shall be computed as an annual emission rate in pounds per megawattkilowatt-hour. For each emission category, the emission rate of the resource portfolio shall be compared to a reference emission rate. The reference emission rate shall be the New England regional average emission rate determined on the basis of GIS certificates. ~~Said reference emission rate may be modified from time to time by the Commission in consultation with the Maine Department of Environmental Protection.~~

~~c. (iv)~~ For service within the ISO-NE control area, the emission characteristics of the resource portfolio shall be determined based on GIS certificates. For service within the Maritimes control area, the emission characteristics of the resource portfolio shall be calculated using the most accurate available data. ~~Emission characteristics of the resource portfolio shall be calculated using annual emission rates for each generating facility as identified by the Commission in consultation with the Maine Department of Environmental Protection and the United States Environmental Protection Agency. Until such annual emission rates are identified by the Commission, the annual emissions rates for a generating unit shall be calculated based on one of the following:~~

~~——(aa)——Continuous emissions monitoring data for the most recent reporting year divided by net electric generation for the same period;~~

~~——(bb)——If continuous emissions monitoring data are not available, emission factors currently approved or provided by state environmental protection agencies, the United States Environmental Protection Agency, or other appropriate government environmental agency; or~~

~~——(cc)——If continuous emissions monitoring data are not available, and state environment agencies or the United States Environmental Protection Agency have not determined emissions factors associated with the generating unit: for NO<sub>x</sub> and SO<sub>2</sub>, permitted emissions levels; and for CO<sub>2</sub>, the carbon content of the fuel.~~

~~——(v)——The following types of generating units shall be assigned emissions characteristics as provided in this paragraph:~~

~~——(aa) The emissions associated with an energy storage facility shall be the emissions of the energy used as input to the storage device. The characteristics disclosed shall include any losses as a result of storage.~~

~~——(bb) Cogeneration facilities may make a reasonable allocation of emissions between electricity production and other useful output based on measured heat balances. Said allocation shall be reviewed by the Commission, in consultation with the Maine Department of Environmental Protection.~~

~~——(cc) The use of offsets associated with facilities that emit CO<sub>2</sub> shall be as determined by the Commission, in consultation with the Maine Department of Environmental Protection.~~

d. The Commission may determine by Order that CO<sub>2</sub> emitted by individual facilities or categories of facilities may be offset so that lower emission amounts or zero emissions may be displayed on the label.

**75. Format of Information Disclosure Label.** The label shall be presented in a format substantially similar to the sample label attached to this Chapter. ~~The back of the label shall contain the language in the "Label Description" attached to this Chapter. A competitive electricity provider may request Commission approval to use a label format that has been authorized in another state.~~

**86. Standard Offer Service.** Each transmission and distribution utility shall prepare labels associated with standard offer service within ~~its~~**their** service territory**ies**. In the event there is more than one standard offer provider in a service territory, the generation price, power source and air emissions information on the label shall be blended so that a single label is prepared. For this purpose, the label information shall be the weighted average of each provider's' price, power sources and air emissions. The weights used shall be each provider's' percentage of standard offer load. Transmission and distribution utilities shall directly charge standard offer providers for the costs of preparing the label **pursuant to Commission approved rates.**

C. Company Disclosure

Each competitive electricity provider that disaggregates its resource portfolio into price or product offerings pursuant to this section, shall prepare a company disclosure that aggregates the resource portfolio of all its price or product offerings within the ISO-NE or Maritimes control area, as applicable. The company disclosure shall contain the aggregated information in a form substantially similar to the "power sources" and "air emissions" portion of the label attached to this Chapter. The company disclosure shall explain in plain language why the aggregate information is different from that of the customer's price or product offering. The company disclosure report shall be provided to customers upon request. The competitive electricity provider shall notify customers of the availability of the company disclosure as part of the ~~back of~~ label information.

D. Terms of Service Document

1. General. Each competitive electricity provider ~~that provides service to residential and small commercial customers~~ shall prepare and distribute a document entitled "Terms of Service" as described in this section. The Terms of Service document shall be distributed according to the provisions of the Commission's customer protection rules, Chapter 305 § 4(B). The provisions of this subsection do not apply to standard offer service.

2. Contents. The Terms of Service document shall contain the following information:

- a. Actual pricing structure according to which the retail customer will be billed, including an explanation of price variability and price level adjustments that can cause the price to vary;
- b. Duration and kind of contract;
- c. Due dates of bills and consequences of late payment, including the amount of any late payment fee, interest, or finance charge assessed for late payment;
- d. Conditions under which a credit reporting agency is contacted for an applicant's credit history or under which the provider reports the customer's payment history to a credit reporting agency;
- e. Deposit requirements and interest on deposits;
- f. Limits on warranty and damages;
- g. Any and all charges, fees, and penalties;
- h. Information on estimated bills, third-party billing, deferred payments, if applicable to the customer's generation service;

i. A conspicuous disclosure of the customer's five business day right of rescission of the contract without penalty, how this right may be exercised, and how to contact the provider orally, electronically or in writing to exercise this right;

j. A toll-free number for customer complaints and the hours the customer can contact the provider for questions or complaints;

k. A generic description of the standard offer generation service;

l. How the retail customer will be notified of changes to items in the Terms of Service;

m. Notice that the contract may be assigned or transferred to another competitive electricity provider without the customer's consent, if applicable;

n. The existence of the "Do-Not-Call" list and how a customer can get on the list; and

o. A statement on how a customer may contact the Commission to obtain information on consumer protection rights.

E. Distribution of Disclosure Label

1. Prior to Initiation of Service. Each competitive electricity provider shall provide the label to customers prior to the initiation of service, ~~at the time it provides the Terms of Service document pursuant to the Commission's customer protection rules, Chapter 305 § 4(B)(1).~~ This provision does not apply to standard offer service.

2. After Initiation of Service~~Quarterly Notification.~~ After initiation of service, the labels will be distributed as provided in this provision~~Each competitive electricity provider shall provide the label to customers not less frequently than quarterly, at a minimum.~~

a. Residential and small commercial customers. Each competitive electricity provider that provides generation service to residential and small commercial customers shall provide the label to those customers not less frequently than quarterly.

b. Larger customers. Each competitive electricity provider that provides generation service to customers that are not residential and small commercial customers shall provide the label to such customers not less frequently than once every 12 months.

3. Upon request. The label shall be available upon request to any person eligible to obtain the associated service.



4. Standard offer service. Each transmission and distribution utility shall distribute to standard offer customers the labels associated with standard offer service within their service territory. The labels shall be provided to residential and small commercial standard offer customers within 36 months after the initiation of standard offer service and every 3 months thereafter. The labels shall be provided to customers that are not residential and small commercial customers within 3 months after the initiation of standard offer service and every 12 months thereafter. Transmission and distribution utilities shall directly charge standard offer providers for the costs of distributing the label pursuant to Commission approved rates.

5. Competitive provider service. Upon the request of a competitive electricity provider, each transmission and distribution utility shall prepare and distribute labels associated with generation service within their service territory. Transmission and distribution utilities shall directly charge competitive electricity providers for the costs of preparing and distributing the label pursuant to Commission approved rates.

F. Information Disclosure in Advertising

A competitive electricity provider shall state the availability of the disclosure label prepared pursuant to this section in a prominent position in all written marketing materials promoting available generation service, including direct mail materials, newspaper, magazine, and other written advertisements, and in all electronically-published advertising including Internet materials. Where available generation services are marketed in non-print media, the marketing materials shall indicate that the customer may obtain the disclosure label upon request. Any competitive electricity provider website that promotes the availability of generation service must also contain access to the disclosure label.

G. Enforcement

Dissemination of inaccurate information, or failure to comply with the Commission's regulations on information disclosure, may result in suspension or revocation of the competitive electricity provider's license or other sanctions in accordance with Chapter 305 § 3.

H. Verification; Annual Reporting

1. Provider Obligation. Each competitive electricity provider has the obligation to verify compliance with the provisions of this section.

2. Verification Method. Beginning with service in the year 2002, competitive electricity providers must verify compliance with this Chapter as specified in this provision.

a. ISO-NE Control Area. Competitive electricity providers that serve customers in the ISO-NE control area, must verify the accuracy of the label information through GIS certificates. For purposes of compliance with this provision, all competitive electricity providers must have at least one Maine GIS sub-account. The Commission may allow verification through means other than GIS certificates upon a showing that a competitive electricity provider reasonably relied on the Commission's prior rules or for other good cause.

b. Maritimes Control Area. Competitive electricity providers that serve customers in the Maritimes control area must verify the accuracy of the label information through market settlement data and other documentation that reveal the resources used to serve customers and the emission characteristics of those resources.

\_\_\_\_\_ 32. Annual Reports. On or before May 1 of each year, each competitive electricity provider shall submit an annual report that contains information that supports the accuracy of disclosure labels provided over the prior calendar year. At a minimum, the annual report must include the following information for the prior calendar year:

a. Copies of disclosure labels provided to customers during the reporting period.

~~b. Verification of the accuracy of the company resource portfolio, including market settlement data or equivalent data provided by the ISO-NE, or the entity responsible for financial settlements in northern Maine, as applicable, and any other relevant market data.~~

b. Reports from the GIS Administrator for service in the ISO-NE control area.

c. A description of the resources used to serve customers in the Maritimes control area and information verifying the accuracy of the resource portfolio and the emission characteristics associated with the resource portfolio.

d. Verification of the accuracy of the disaggregation of the company resource portfolio into segments or products, if applicable.

43. Additional Information. The Commission may at any time request and obtain information from a competitive electricity provider that the Commission determines is needed to verify the accuracy of the information contained on disclosure labels.

54. Audits. The Commission may at any time conduct an audit of any competitive electricity provider to verify the accuracy of the information contained on

disclosure labels. Upon request by the Commission, a competitive electricity provider must provide any information that the Commission determines is needed to conduct the audit and verify compliance with this section.

6. Rejection of Certificates. The Commission may reject the use of certain GIS certificates for purposes of disclosure label information if it finds that the GIS certificates do not reflect accurate information or for other good cause.

7. Generation Facilities. The Commission may at any time conduct an investigation into whether GIS certificates represent accurate information. The Commission may request and obtain information from generation facilities that the Commission determines is needed to verify the accuracy of information reflected in GIS certificates. If a generation facility does not comply with an information request pursuant to this provision, the Commission may reject the use of GIS certificates associated with the generation facility for the purposes of Commission rules.

85. Confidentiality. The Commission may subject any information required pursuant to this subsection to appropriate protective orders.

### § 3 INFORMATIONAL FILINGS

A. Generally Available Service

1. Filing Required. Competitive electricity providers must file with the Commission rates, terms, and conditions of any service generally available to the public or any segment of the public prior to offering the service. This subsection does not apply to standard offer service.

2. Modification. Competitive electricity providers must file any modifications to generally available rates, terms and conditions prior to the effective date of the modification.

3. No Approval. The generally available rates, terms and conditions are for informational purposes and do not require Commission approval.

B. Individual Service Contracts

Competitive electricity providers are not required to file individual service contracts. The Commission may at any time request and obtain individual service contracts from competitive electricity providers. The Commission may subject individual service contracts to appropriate protective orders.

C. Additional Information

The Commission may at any time request and obtain information from competitive electricity providers that the Commission determines is necessary or useful in

carrying out its duties and obligations under Title 35-A, Chapter 32. The Commission may subject such information to appropriate protective orders.

D. Disclosure Labels

Competitive electricity providers must file with the Commission updated disclosure labels that are required to be provided to customers pursuant to section 2 of this Chapter.

**§ 4 WAIVER OR EXEMPTION**

Upon the request of any person subject to the provisions of this Chapter or upon its own motion, the Commission may, for good cause, waive any of the requirements of this Chapter that are not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

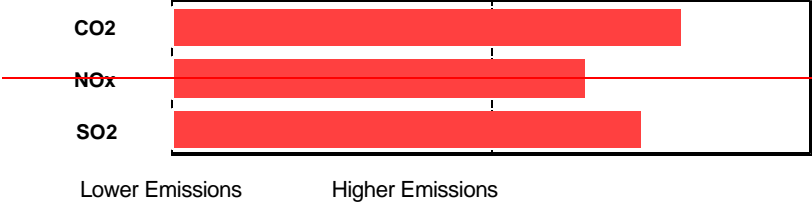
**BASIS STATEMENT:** The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 2000-336, issued on May 1, 2000. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

**AUTHORITY:** 35-A M.R.S.A. §§ 104, 111, 1301, 3203(3); P.L. 1997, ch. 316, § 4, Resolves 1999, ch. 34.

**EFFECTIVE DATE:** This rule was approved as to form and legality by the Attorney General on May 11, 2000. It was filed with the Secretary of State on May 12, 2000 and will be effective on May 17, 2000.



<b>ELECTRICITY FACTS</b>							
<b>ABC Company/Product —</b>							
<b>Generation Price</b> Average price per kWh at different levels of use. Prices do not include regulated charges for customer service and delivery.	<b>Average Use per Month</b>	<b>250 kWh</b>	<b>500 kWh</b>	<b>1000 kWh</b>	<b>2000 kWh</b>		
	<b>Average Price per kWh</b>	<b>4.5 cents</b>	<b>4.5 cents</b>	<b>4.5 cents</b>	<b>4 cents</b>		
	Your average generation price will vary according to when and how much electricity you consume. See your most recent bill for your monthly use and your Terms of Service for the actual prices.						
<b>Contract —</b>	* <b>Minimum Length:</b> 3 Years (30-day notice required for termination. Penalties may apply.) * <b>Contract Terms:</b> Fixed price over contract period.						
<b>Power Sources</b> This electricity product was assigned generation from the following sources:	<b>Power Sources</b>	<b>%</b>	<b>Power Sources</b>				<b>%</b>
	Biomass	8	Coal				1
	Hydro	18	Nuclear				6
	Natural Gas	5	Solar				5
	Oil	24	Other Renewables				4
	Wind	2	Municipal				1
	Imported Power	5					

<p><b>Air Emissions</b> Carbon dioxide (CO<sub>2</sub>), nitrogen oxide (NO<sub>x</sub>), and sulfur dioxide SO<sub>2</sub>, emission rates from these sources, relative to the regional average.</p>	<p style="text-align: center;"><b>Regional Average</b></p>  <p>CO2</p> <p>NOx</p> <p>SO2</p> <p>Lower Emissions      Higher Emissions</p>	

### Notes—

1. The power source and air emissions information is based on a 12-month period ending \_\_\_\_\_.
2. See reverse side and your contract terms and conditions for further information on this label. You may also call ABC Company at 1-800-123-4567, or the AAAAAA Utility Commission at 1-800-987-6543.

<b>ELECTRICITY FACTS</b>							
<b>ABC Company/Product—</b>							
<b>Generation Price</b> Average price per kWh at different levels of use. Prices do not include regulated charges for customer service and delivery.	Average Use per Month	250 kWh	5000 kWh	1000 kWh	2000 kWh		
	Average Price per kWh	—	—	—	—		
	Your average generation price will vary according to when and how much electricity you consume. See your most recent bill for your monthly use and your Terms of Service for the actual prices.						
<b>Contract—</b>	* <b>Minimum Length:</b> _____ * <b>Contract Terms:</b> _____						
<b>Power Sources</b> Demand for this electricity product in the preceding 12 months was assigned generation from the following sources:	<b>Power Sources</b>	<b>%</b>		<b>Power Sources</b>		<b>%</b>	
	Biomass			Coal			
	Hydro			Nuclear			
	Natural Gas			Solar			
	Oil			Other Renewables			
	Wind			Municipal			
	Imported Power						

[illegible]

## **LABEL DESCRIPTION**

**Generation Price and Contract:** ~~Generation Prices displayed are representative average prices for electricity at usage levels that are typical for residential customers. Contract items displayed present the length of your contract for generation service, and the price terms included in your contract. See your recent bill to determine average monthly use, and your Terms of Service for additional information.~~

**Power Sources:** ~~The actual electricity you use will be indistinguishable from the electricity used by your friends and neighbors. This is unavoidable because everyone is served through the same transmission and distribution system. The power sources label cannot tell you about the electricity that you use in your home; instead, it tells you that your dollars are going to pay for particular power plants. Since it is impossible to track the flow of electricity on the grid, however, there is no way to identify the actual power plant that produced the electricity you consume in your home. But it is possible to track the dollars you pay for electricity. Your electricity dollars will support electricity generation from various energy resources in the proportions listed on the power content label.~~

~~———— A similar label containing your electricity supplier's entire regional resource portfolio and emissions characteristics is available upon request. **[Applicable if portfolio is disaggregated.]**~~

**Emissions:** ~~Emissions for each the following pollutants are presented as a percent of the regional average emission rate.~~

~~———— Carbon Dioxide (CO<sub>2</sub>) is released when certain fuels are burned. It is considered a greenhouse gas and a major contributor to global warming.~~

~~———— Nitrogen Oxides (NO<sub>x</sub>) form when certain fuels are burned at high temperatures. They are considered contributors to acid rain and ground-level ozone (or smog).~~

~~———— Sulfur Dioxide (SO<sub>2</sub>) is formed when fuels containing sulfur are burned. Major health effects associated with SO<sub>2</sub> include asthma, respiratory illness and aggravation of existing cardiovascular disease.~~

~~———— The production of electricity can produce other harmful emissions and have other environmental impacts. Environmental impacts differ among individual power plants.~~

*{Product Description}****Consumer Information About Your Electricity Supplier****{Month of mailing, year}*

Electricity suppliers in Maine must, by Maine law, provide fact sheets, or “uniform disclosure labels” from time to time to educate consumers about their electricity service. Your electricity is *delivered* by {Name of T&D Company}, but the *electricity itself* is supplied by:

**Your Electricity Supplier is: {Supplier’s Name}**

This fact sheet provides consumer information about the price, power sources and air emissions of service provided by this electricity supplier.

**Your Electricity Supply Price:**  
**X.XX cents per kilowatt-hour**

**This price is effective from:**  
**{Effective period for prices}**

*(Note: This relates to supply only. {Name of T&D Utility Company} charges separately for delivery service.)*

***Power Sources****(January—December, 20xx)*

*This supplier provided electricity with the following resources:*

	<b><u>Supplier’s</u></b>	<b><u>{Region Name}</u></b>
	<b><u>Mix</u></b>	<b><u>Mix</u></b>
<b><i>Sources meeting Maine’s 30% renewable and efficient resources requirement</i></b>		
Biomass	x.x %	x.x %
Municipal Trash	x.x %	x.x %
Hydro	x.x %	x.x %
Fossil Fuel Cogeneration	x.x %	x.x %
<b><i>Other sources</i></b>		
Nuclear	x.x %	x.x %
Gas	x.x %	x.x %
Oil	x.x %	x.x %
Coal	x.x %	x.x %
<b>TOTAL</b>	<b>100 %</b>	<b>100 %</b>

***Air Emissions****(January—December, 20xx)*

*This table compares air emissions from this supplier’s electricity mix to average emission levels from all {Region Name} power sources.*

	<b><u>Supplier’s</u></b>	
	<b><u>Mix</u></b>	
	<b><u>(lbs/MWh)</u></b>	
<b>Carbon Dioxide (CO<sub>2</sub>)</b>	X.X	This is x % {less/more} than the {Region Name} Average
<b>Nitrogen Oxide (NO<sub>x</sub>)</b>	X.X	This is x % {less/more} than the {Region Name} Average
<b>Sulfur Dioxide (SO<sub>2</sub>)</b>	X.X	This is x % {less/more} than the {Region Name} Average

*Notes: lbs/MWh = pounds per Megawatt-hour  
 1 Megawatt-hour = 1,000 kilowatt-hours*

**Additional Information and Required Notes:*****NOTES:***

**Power Sources**— Maine law requires retail electricity providers to supply no less than 30% of their total annual kilowatt-hour sales with electric energy generated from eligible resources. Either a renewable fuel or an efficient process, such as co-generation, must be used to generate the electricity used to satisfy this requirement. Co-generation sometimes uses fossil fuels, such as gas, coal or oil, and is considered to be efficient because the process yields both electricity and thermal energy.

**Emissions**— Carbon Dioxide (CO<sub>2</sub>) is released when certain fuels are burned. It is considered a greenhouse gas and a major contributor to global warming. Nitrogen Oxides (NO<sub>x</sub>) form when certain fuels are burned at high temperatures. They are considered contributors to acid rain and ground-level ozone (or smog). Sulfur Dioxide (SO<sub>2</sub>) is formed when fuels containing sulfur are burned. Major health effects associated with SO<sub>2</sub> include asthma, respiratory illness and aggravation of existing cardiovascular disease. The production of electricity can produce other harmful emissions and have other environmental impacts. Environmental impacts differ among individual power plants.

***If you have questions or need further explanation, please contact {Name of Supplier} toll-free, at {phone #} 1-(888) 808-3826 or the Maine Public Utilities Commission, toll-free, at 1-877-782-3228. Additional information can also be found at <http://www.state.me.us/mpuc>.***